

ARTICLE XIII SUBDIVISIONS

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13-1 INTENT AND PURPOSE

13-1-1 Intent

It is the intent of the County Commission through the adoption of this Article to more fully avail itself of the power granted under 17-27a-601 et. Seq. UCA, relating to the subdivision of land and to do so in a manner which will best promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the County including among other things, efficiency and economy in the process of development, lessening congestion in the streets, securing economy in government expenditures, and protection of both urban and non-urban developments. Furthermore, nothing in this Article shall conflict purposes listed in 17-27a-102 UCA.

13-1-2 Purpose

The purposes in adopting this Article shall be:

- (a) to facilitate the orderly development of the County;
- (b) to implement the County's Major Street Plan;
- (c) to facilitate the development of a safe and efficient street system;
- (d) to facilitate the orderly transfer of the ownership of building sites in a manner consistent with state law;
- (e) to facilitate the provision of adequate water, sewer, drainage, utilities, fire protection, and other services to developing areas of the County; and
- (f) to establish the rights, duties, and responsibilities of subdivision applicants with respect to the development of land within the County.

13-2 SUBDIVISION PLANS AND PLATS REQUIRED – EXCEPTIONS

13-2-1 Subdivision Plats Required – To be Recorded

No person shall subdivide any tract of land within the unincorporated portion of the County; nor shall any person sell, exchange, purchase, or

otherwise convey or make an agreement to sell, exchange, purchase, or otherwise convey, a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this Ordinance, unless and until a final plat, prepared in accordance with the provisions of this Ordinance shall have been first approved by the Planning Commission and County Commission and recorded in the office of the County Recorder.

13-2-2 Exemption From Subdivision Plat Filing Requirement

Any owner or agent of any owner of real property who seeks to partition subdivide land without recording a plat by virtue of the exemption for agricultural, commercial, manufacturing, and industrial land, shall first acquire a waiver on forms furnished and signed by the Zoning Administrator. The Zoning Administrator shall approve said waiver upon satisfactory completion of the application form by the applicant, including, in the case of agricultural land, the recording of satisfactory deed covenants precluding residential or other non-agricultural use of the land until the recording of a properly approved subdivision plat.

- (a) Any sale or other transfer of a parcel of land which has been subdivided into two (2) or more parcels without the owner or agent of the owner first having obtained a waiver from the Zoning Administrator or having recorded an approved subdivision plat, shall be considered prima facie evidence of the illegal subdivision of land and a violation of Section 13-2 of this Article, and any lot so created shall not qualify as a zoning lot as defined by this Ordinance. Qualification under these provisions shall not constitute a waiver of other requirements, including, but not limited to health, zoning, and building permit requirements.
- (b) Notwithstanding the forgoing provisions of this section, in accordance with Section 17-27a-605 et. seq. Utah Code Annotated, a minor subdivision as described in Section 13-7 of this Article, of less than five (5) lots may be approved without a plat provided the subdivision:
 - (i) is not traversed by the mapped lines of a proposed street as shown in the General Plan and does not require the dedication of any land for street or other public purposes;
 - (ii) has been approved by the culinary water authority and the sanitary sewer authority;
 - (iii) is located in a zoned area;
 - (iv) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance, and
 - (v) the land use authority certifies in writing that the County has provided notice thereof as required by this Ordinance.

13-3 PROCEDURE FOR APPROVAL OF A SUBDIVISION

13-3-1 Pre-Submission Conference

Any person wishing to subdivide land within the County shall secure from the Zoning Administrator information pertaining to the requirements for subdivisions and the County's plan of streets, parks, drainage, zoning, and other General Plan requirements affecting the land to be subdivided.

13-3-2 Prepare Concept Plan

The applicant shall then prepare a concept plan and shall submit three (3) copies of the same to the Planning Commission no less than seven (7) days prior to the next regularly scheduled Planning Commission meeting. Said plan shall be prepared in accordance with County standards. When an applicant owns or controls more land than the applicant proposes to submit for preliminary approval, the Planning Commission may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission.

13-3-3 Obtain Planning Commission Approval of Concept Plan

- (a) The Planning Commission shall review the concept plan and shall act to:
 - (i) approve the plan;
 - (ii) disapprove the plan;
 - (iii) approve the plan subject to modification; or
 - (iv) where considered necessary or desirable, act to table further consideration of the plan for a determined amount of time.
- (b) Approval of a concept plan shall not be construed to constitute approval of the subdivision but shall be deemed as an expression of acceptance of the basic concept and feasibility of the proposed subdivision which the applicant may use as a guide in the preparation of a preliminary plan.

13-3-4 Prepare Preliminary Plan and Improvement Drawings

- (a) Upon approval of a concept plan by the Planning Commission, the applicant shall prepare a preliminary plan of the subdivision and shall submit three (3) copies of the same to the Planning Commission not less than seven (7) days prior to the next regularly scheduled Planning Commission meeting. Said plan shall contain:
 - (i) a preliminary layout plan;
 - (ii) preliminary drawings showing the location and type of proposed public improvements, and, as applicable, evidence of suitability of the soil for septic tank purposes;
 - (iii) copies of proposed documents, when applicable;
 - (iv) evidence of payment of preliminary review fee;
 - (v) evidence of ability to satisfy water requirements; and
 - (vi) any other material or information required by the Planning Commission.

- (b) All plans, documents and other data shall be prepared in accordance with County standards. Failure to submit all required material prepared in accordance with said standards shall be grounds for denial.

13-3-5 Obtain Planning Commission Approval of Preliminary Plan

- (a) The Planning Commission shall review the preliminary plan and shall act to:
 - (i) approve the plan;
 - (ii) disapprove the plan;
 - (iii) approve the plan subject to modification; or
 - (iv) where considered by the Planning Commission to be necessary or desirable, act to table further consideration of the plan for a determined amount of time.
- (b) Approval or denial of the plan shall be based upon compliance with the General Plan and upon a finding of conformance with the submission requirements set forth in Section 13-6 of this Article.
- (c) The action of the Planning Commission shall be written on the face of two (2) copies of the plan, one (1) of which shall be retained in the files of the Planning Commission, and one (1) of which shall be returned to the applicant. If the plan is disapproved, the Planning Commission shall express its reasons therefore to the applicant.
- (d) Upon approval of the preliminary plan, the Planning Commission shall be committed to grant approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, preliminary approval was given based on inaccurate or incomplete representations or changes have occurred in conditions relating to the property, not known or present at the time approval was given, which would result in a violation of applicable provisions of this Article, if the project were carried out as initially approved.
- (e) Approval of the preliminary plan shall remain valid for a period of one (1) year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one (1) year, upon receipt of a written request from the applicant.

13-3-6 Prepare and Submit Final Plat, Engineering Drawings, and Documents to Planning Commission.

Upon approval of the preliminary plan by the Planning Commission, the applicant shall prepare the final, plat, final engineering drawings, and documents and shall submit copies of the same to the Planning Commission not less than seven (7) days prior to the next regularly scheduled Planning Commission meeting said plats, drawings, and documents shall include:

- (a) the original mylar and three (3) prints of the final plat;
- (b) final engineering drawings;

- (c) documents indicating full compliance with the water and sewer requirements for each lot;
- (d) an itemized estimate of the cost of constructing all required improvements, prepared by or under the direction of the County Surveyor, which shall be used as the basis for setting the amount of the performance guarantee;
- (e) final copies of performance guarantee documents;
- (f) a title report, covering the property within the plat area, to identify all interests in the property which may have an effect on the title, and to establish that the land proposed for subdivision is free of boundary conflicts, to ensure lot purchasers will have clear and marketable title;
- (g) final copies of all other required documentation, when applicable; and
- (h) evidence of payment of final plat checking and recording fees.

13-3-7 Planning Commission Takes Action on Final Plat

- (a) The Planning Commission shall review the final plat, final engineering drawings, and other required submissions, and shall act to:
 - (i) approve the plan;
 - (ii) disapprove the plan;
 - (iii) approve the plan subject to modifications; or
 - (iv) where considered necessary or proper by the Planning Commission, act to table further consideration of the plan for a determined amount of time.
- (b) If disapproved, the Planning Commission shall state its reasons therefore to the applicant.
- (c) Upon approval by the Planning Commission, said Commission shall sign the plat and shall forward the plat to the County Commission with the recommendations that the plat be approved and the proposed dedications accepted.

13-3-8 Applicant Posts Performance Guarantee

Upon approval by the Planning Commission, the applicant shall post a bond or other financial assurance guaranteeing construction of the required improvements. Said performance guarantee shall be in conformance with the provisions of Article XII of this Ordinance.

13-3-9 County Commission Takes Action on Final Plat

Upon receipt of the final plat, bearing all required signatures, and also submission of evidence of posting of the performance guarantee, the County Commission shall consider the plat and performance guarantee and shall act to approve or disapprove the plat or approve it with modification.

- (a) If disapproved, the County Commission shall state its reasons therefore to the applicant.

- (b) If modifications are required such modifications shall first be referred to and accepted by the Planning Commission.
- (c) If approved, the plat shall be signed by the Commission and returned to the Zoning Administrator for recording. The signature of the County Commission on the final plat shall constitute final approval.

13-3-10 Final Plat Recorded in Office of County Recorder

Upon receipt of the executed final plat and the receipt of all outstanding submissions and fees, the applicant shall submit said plat for recording in the office of the County Recorder. The applicant's failure to submit the plat within three (3) months following approval shall render the plat voidable.

13-4 DESIGN AND DOCUMENTATION REQUIREMENTS

The layout and design of all subdivisions and the content of required submissions shall be in accordance with the following and also with the minimum County standards and specification as provided under Section 13-6 of this Article provided, in the event of conflict the more stringent shall prevail.

13-4-1 General Design – Access

- (a) The overall design shall provide good vehicular access and circulation.
- (b) Each lot shall abut upon and have access to a designated County road in conformance with the frontage requirements for the zone in which the subdivision is located.
- (c) The design shall recognize and accommodate significant environmental conditions including but not limited to drainage channels, flood plain area, canals, wetland, and adverse soil.
- (d) Each lot within the subdivision shall contain a buildable area which is sufficient in size to accommodate the dwelling or other main building and also all attendant facilities (e.g., septic tank filter field). The buildable area shall not be situated within a designated flood channel or a recognized flood hazard area.

13-4-2 Conformity With Zone Requirements

Each lot in the subdivision shall conform to the requirements of the zone in which the subdivision is located.

13-4-3 Culinary Water

Satisfactory evidence of an adequate supply of culinary water for each lot shall be submitted with each application for approval of a subdivision as follows:

- (a) For subdivision utilizing central system:
 - (i) written evidence from a recognized water supply agency indicating:
 - (A) the agency agrees and has the ability to supply the residential culinary water to the development;

- (B) the applicant has satisfied all requirements of said agency relating to conveyance of water rights, payment of fees, etc. and
- (C) each lot has been granted a permanent, non-revocable water connection; and
- (ii) evidence satisfactory to the County that the transmission lines, storage reservoirs, and other system elements have adequate pressure and capacity to meet culinary water needs of the project at levels not less than specified by the State Health Department.
- (b) For individual well or spring system:
 - (i) approval from the State Engineer, authorizing the use of water from the proposed source for domestic purposes; and
 - (ii) written evidence to the effect that water from well sources or spring is available in adequate quantities and conforms to minimum quality standards for culinary use as evidenced by a written statement from the health authority.

13-4-4 Domestic Sewage Disposal Requirements

Each lot shall be served by a central sewage disposal system or by an individual waste water disposal system which have been approved by the local health authority as evidenced by a written statement therefrom.

- (a) When individual disposal systems are to be used, the statement from the health authority shall indicate that tests were conducted on each lot and that each lot meets minimum standards for an individual waste disposal system.
- (b) No final plat shall be approved which contains one (1) or more dwelling sites for which an individual system is determined to be unsuitable.

13-4-5 Roads

- (a) Residential (minor) roads within the subdivision shall have a right-of-way width of not less than sixty (60) feet.
- (b) Collector and arterial roads shall have a right-of-way width of not less than eighty (80) feet or as set forth on the Major Street Plan whichever is greater.
- (c) All roads shall be designed to provide for safe and convenient access to adjacent property and for snow removal and the disposition of surface water. The layout and improvement of all roads shall be in accordance with the applicable cross-section and construction standards of the County.

13-5 PROJECT EVALUATION GUIDELINES

- (a) In conducting its review of the proposed subdivision the Planning Commission and County Commission shall be guided by the following evaluation criteria:
 - (i) the plans and documents submitted are sufficiently detailed to

- (iv) The quality of materials and procedures of construction shall conform to County standards.
- (v) The applicant shall provide documentation of culinary service connection(s) from a public water system monitored in compliance with the Utah Safe Drinking Water Act.
- (b) Subdivisions utilizing individual wells:
 - (i) Construction of wells shall be required as a condition for granting of a building permit.
 - (ii) The applicant shall provide documentation of approval from Utah Division of Drinking Water and Division of Water Rights.

13-6-3 Sewers

- (a) Subdivisions utilizing central collection and disposal systems:
 - (i) All systems and facilities shall conform to State Health standards.
 - (ii) The applicant shall provide documentation of connection to public sewer system or other disposal system approved pursuant to state law.
- (b) Subdivisions utilizing individual waste water disposal systems:
 - (i) Construction of disposal system shall be required as a condition for the granting of a building permit.
 - (ii) The applicant shall provide documentation of approval of septic system or other approved waste disposal system from the Utah Department of Health.

13-6-4 Permanent Survey Monuments

No less than two (2) permanent survey monuments shall be installed in each subdivision. The location of the monuments shall be shown on the final plat. Also, all corners on the subdivision and all lot corners in the subdivision shall be marked.

13-6-5 Electric

Electric power shall be available to each lot. All lines and appurtenant facilities shall be located underground, except when the applicant can show that the placement underground is not physically feasible.

13-6-6 Telephone Lines

Telephone lines shall be available to each lot. All lines and appurtenant facilities shall be located underground, except when the applicant can show that the placement underground is not physically feasible.

13-6-7 Street Signs

Street signs shall be installed at all locations indicated on the preliminary plan. The location and design of said signs shall conform to minimum County standards.

13-6-8 Storm Drains and Facilities

Pipes and other facilities for the disposal of storm water shall be installed where required by the County. The location, size, and design of said

facilities shall be in accordance with the County's storm water disposal plans and standards or as directed by the County Surveyor.

13-7 MINOR SUBDIVISION

13-7-1 Purpose

Notwithstanding Section 13-3, the following requirements are enacted and enforced to allow the development of minor subdivisions in the unincorporated portions of the County. The intent of a minor subdivision is to allow individual lots and small subdivisions to be processed in a timely fashion while ensuring the needs of the public at large are met.

13-7-2 Minimum Requirements

A minor subdivision shall meet the following minimum requirements in order to be considered a minor subdivision:

- (a) Minor subdivisions shall be allowed only within the A-1 zone in the County.
- (b) Not more than five (5) lots may be created.
- (c) Each lot shall contain at least two (2) acres.
- (d) Meets and bounds are acceptable legal descriptions for minor subdivisions, so long as they have been provided by a certified surveyor and a record of survey is filed in accordance with Subsection 17-27a-605(2)(6), Utah Code Annotated; however, plats and plat maps are acceptable and preferred.
- (e) The subdivision does not result in remnant land (land that can not be developed due to size, set backs, etc.) that did not previously exist.
- (f) The subdivision does not require addition of infrastructure above and beyond that which is available generally in the surrounding properties, e.g., curb, gutter, sidewalk shall only be required if the adjoining properties have those amenities at the time of application.
- (g) The applicant may present a subdivision development plan that, upon approval by the land use authority, allows for staged development. Lots may be developed individually, in groups, or all at once so long as the plan and the accompanying schedule is met.
- (h) Each lot shall have the required frontage on an improved public street, county road, or public highway as set forth in this Ordinance.
- (i) Each lot shall meet all other applicable requirements (e.g., setbacks, construction standards, etc.) set forth in this Ordinance.
- (j) While "gravel roads" are an acceptable construction medium for the surface of streets and roads, all streets and roads shall be improved in conformance with the applicable cross-section and construction standards as adopted by the County Commission. Residential (minor) roads constructed within the subdivision shall have a right-of-way width of not less than sixty (60) feet. Streets and roads are defined as such if the roadway serves three (3) or more lots in a subdivision.

- (k) The minimum width of a driveway shall be twelve (12) feet. The maximum grade of a driveway shall not exceed ten (10) percent. Twelve (12) percent grades may be allowed for up to but not to exceed two hundred fifty (250) lineal feet. Any driveway longer than three hundred (300) feet shall have either a designated "turn around" area large enough for a forty (40) foot emergency vehicle to make a complete turn, or shall have twenty four (24) foot wide passing areas, at least sixty (60) feet in length every five hundred (500) feet. A driveway is defined as such if it serves two (2) or less lots within a subdivision.

13-7-3 Granting Authority

The land use authority for a minor subdivision is the Zoning Administrator or the Administrator's designee. Notwithstanding this rule, the Zoning Administrator or designee may forward any application on to the Planning Commission for approval by a majority vote of Commission members.

13-7-4 Appeal Authority

The appeal authority for a minor subdivision is the Planning Commission. If the minor subdivision was approved by the Planning Commission because the Zoning Administrator forwarded the application pursuant to Section 13-7-3 of this Ordinance, the County Commission shall serve as the appeal authority.

13-8 PROCEDURE FOR APPROVAL OF A MINOR SUBDIVISION

13-8-1 Prepare Concept Plan

- (a) The applicant shall prepare a concept plan and shall submit two (2) copies of the same to the Zoning Administrator. Said plan shall include;
 - (i) a subdivision development plan which includes a description of the proposed use including proposed excavation, construction, time lines and such other information as may assist the Zoning Administrator or other land use authority in reviewing the application;
 - (ii) proof of ownership or other legal right entitling the applicant to conduct the proposed use on the property;
 - (iii) a surveyed, legal description of the property for which the subdivision approval is sought, and/or a copy of the recorded plat showing the property, and a vicinity drawing or plan showing roads and other landmarks which will aid in identifying the property;
 - (iv) a drawing including the location of structures in relation to property lines, roads, water utilities, electrical utilities, and wastewater facilities (including location of a septic field and alternative);

- (v) a letter from a culinary water system operator verifying water connection ownership for each individual lot in the subdivision;
 - (vi) an encroachment permit or letter from the County or Utah Department of Transportation granting access to the property on the associated roadway; and
 - (vii) a letter of approval from the department of health approving a septic system and providing appropriate design for proposed structures.
- (b) When an applicant owns or controls more land than the applicant proposes to submit for preliminary approval, the Zoning Administrator may require that a concept plan for the larger area be submitted. Said plan shall indicate the portion proposed to be submitted initially for preliminary approval and the portion to be held for future submission.

13-8-2 Initial Zoning Administrator Review

- (a) The Zoning Administrator shall examine the application to determine:
- (i) if the application is complete as provided in Section 5-1-6 of this Ordinance;
 - (ii) if the proposed use qualifies as a minor subdivision under this Ordinance; and
 - (iii) the amount of the application fee according to the current fee schedule.
- (b) Following such examination, the Zoning Administrator shall give notice to the applicant of the following, as applicable:
- (i) if the application is incomplete, what information is necessary to complete it as provided in Section 5-1-6 of this Ordinance; and
 - (ii) whether the proposed use meets the basic requirements for a minor subdivision.
- (c) Upon submission of a completed application, a determination that the proposed use qualifies as a minor subdivision, and payment of the required fees, the Zoning Administrator shall, within ten (10) days, respond to the applicant that the application is administratively complete.

13-8-3 Zoning Administrator Approval Process

- (a) No findings shall be made, and no permit issued, until the Zoning Administrator is satisfied that sufficient information has been provided upon which to base a decision. The applicant shall be permitted to address or communicate with the Zoning Administrator and answer questions concerning the matter, and to submit amendments to the application addressing concerns and issues which may arise, and to suggest solutions to problems identified in the proceedings.

- (b) Upon completion of the review, the Zoning Administrator shall take one of the following actions, based upon the findings in the matter:
 - (i) approve the minor subdivision;
 - (ii) disapprove the minor subdivision;
 - (iii) approve the minor subdivision subject to modification; or
 - (iv) where considered necessary, forward to the Planning Commission for further consideration.
- (c) Upon approval, building permits shall be purchased and construction shall begin within one hundred eighty (180) days or approval of the minor subdivision shall expire.

13-9 GENERAL REQUIREMENTS

13-9-1 Standards and Specifications

The Planning Commission shall prepare standards and specifications for the content of subdivision plans and for the layout, design, and construction of subdivisions and required improvements. Said standards and specifications shall be adopted by resolution of the County Commission. All such requirements shall be considered the minimum standards which must be met and shall apply to all subdivisions.

13-9-2 Amended Plats

No change shall be made in a plat which has received final approval unless and until approval for said change has been given by both the Planning Commission and County Commission. Any change in a subdivision for which a final plat has been recorded shall first require that the plat be vacated in accordance with the applicable provisions of the Section 17-27a-608, Utah Code Annotated, and a new plat of the territory approved and filed in accordance with the procedures and requirements of this Article.

13-9-3 Work To Be Done By Engineer Or Surveyor

All engineering work shall be done by, or under direction of, a professional engineer registered in the State of Utah. All land survey work shall be done by, or under the direction of, a Land Surveyor registered in the State of Utah.

13-9-4 Variances

- (a) A variance to the strict application of the minimum standards and specifications set forth in Section 13-7-2 of this Article may be authorized by the County Commission after recommendation from the Planning Commission. Such variance shall be granted only upon a finding that, because of topographic or other unique physical condition, the standard appealed from:
 - (i) is unnecessary for the proper development of the subdivision and will not be required in the future;
 - (ii) would cause an unreasonable hardship if adhered to; and

- (iii) may be granted without destroying the intent of the standard or this Ordinance.
- (b) Any variance so authorized shall be stated on the final subdivision plat.

13-9-5 Review Fees

All costs for processing of subdivision proposals and the administration of this Ordinance shall be borne by the applicant. The County Commission may by resolution establish fees for the purpose and provide for the assessment and collection thereof.

13-10 ENFORCEMENT

- (a) No officer of the County shall grant any permit or license for the construction or use of any building or land within a subdivision unless and until said subdivision has been approved and recorded in accordance with the requirements of this Ordinance.
- (b) Whoever, being the owner or agent of the owner of any land located in a subdivision within the County, transfers or sells such land without have received approval in accordance with the provisions of this Ordinance, shall be guilty of a misdemeanor for each lot so transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. In addition, the County may enjoin such transfer or sale or agreement by action for injunction or may recover the said penalty by civil action.
- (c) The Zoning Administrator may take any enforcement action authorized by Article VII of this Ordinance.
- (d) The County may, in addition to other remedies provided by law, institute injunctions, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful building, use or act.